



February 20, 2003

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## HOUSE BILL No. 1802

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DIGEST OF HB 1802 (Updated February 19, 2003 10:48 AM - DI 51)

**Citations Affected:** IC 7.1-3; IC 7.1-5.

**Synopsis:** Sunday and holiday alcoholic beverage sales. Allows a supplemental retailer that is a hotel or restaurant to sell alcoholic beverages: (1) on Sunday from 10 a.m. to 3 a.m.; and (2) on election day. Prohibits sales of alcoholic beverages on Easter Sunday.

**Effective:** July 1, 2003.

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**Kuzman, Alderman**

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January 21, 2003, read first time and referred to Committee on Ways and Means.  
February 19, 2003, amended, reported — Do Pass.

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HB 1802—LS 7261/DI 87+



February 20, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1802

A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages and tobacco.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 7.1-3-1-14, AS AMENDED BY P.L.136-2000,  
2       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2003]: Sec. 14. (a) It is lawful for an appropriate permittee,  
4       unless otherwise specifically provided in this title, to sell alcoholic  
5       beverages each day Monday through Saturday from 7 a.m., prevailing  
6       local time, until 3 a.m., prevailing local time, the following day. Sales  
7       shall cease wholly on Sunday at 3 a.m., prevailing local time, and not  
8       be resumed until the following Monday at 7 a.m., prevailing local time.  
9       (b) It is lawful for the holder of a supplemental retailer's permit  
10      which is not specified in subsection (c) to sell the appropriate alcoholic  
11      beverages on Sunday from noon, prevailing local time, until 12:30 a.m.,  
12      prevailing local time, the following day.  
13      (c) It is lawful for the holder of a supplemental retailer's permit to  
14      sell the appropriate alcoholic beverages on Sunday from ~~11:00 a.m.~~ **10**  
15      **a.m.**, prevailing local time, until ~~12:30 a.m.~~ **3 a.m.**, prevailing local  
16      time, the following day if the holder of the permit meets the following  
17      criteria:

HB 1802—LS 7261/DI 87+



(1) the holder of the permit is a hotel; or

(2) the holder of the permit meets the requirements of 905 IAC 1-41-2(a).

(d) Notwithstanding subsections (b) and (c), if December 31 (New Year's Eve) is on a Sunday, it is lawful for the holder of a supplemental retailer's permit to sell the appropriate alcoholic beverages on Sunday, December 31 from the time provided in subsection (b) or (c) until 3 a.m. the following day.

(e) It is lawful for the holder of a permit under this article to sell alcoholic beverages at athletic or sports events held on Sunday upon premises that:

(1) are described in section 25(a) of this chapter;

(2) are a facility used in connection with the operation of a paved track more than two (2) miles in length that is used primarily in the sport of auto racing; or

(3) are being used for a professional or an amateur tournament; beginning one (1) hour before the scheduled starting time of the event or, if the scheduled starting time of the event is 1 p.m. or later, beginning at noon.

(f) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time.

SECTION 2. IC 7.1-5-10-1, AS AMENDED BY P.L.205-1999, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) Except as provided in ~~subsection~~ **subsections (d) and (e)**, it is unlawful to sell alcoholic beverages at the following times:

(1) At a time other than that made lawful by the provisions of IC 7.1-3-1-14.

(2) On Christmas Day and until 7:00 o'clock in the morning, prevailing local time, the following day.

(3) On primary election day, and general election day, from 3:00 o'clock in the morning, prevailing local time, until the voting polls are closed in the evening on these days.

(4) During a special election under IC 3-10-8-9 (within the precincts where the special election is being conducted), from 3:00 o'clock in the morning until the voting polls are closed in the evening on these days.

**(5) On Easter Sunday and until 7:00 o'clock in the morning prevailing local time, the following day.**

(b) During the time when the sale of alcoholic beverages is unlawful, no alcoholic beverages shall be sold, dispensed, given away,

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1 or otherwise disposed of on the licensed premises and the licensed  
2 premises shall remain closed to the extent that the nature of the  
3 business carried on the premises, as at a hotel or restaurant, permits.

4 (c) It is unlawful to sell alcoholic beverages on New Years Day for  
5 off-premises consumption.

6 (d) It is lawful for the holder of a valid beer, wine, or liquor  
7 wholesaler's permit to sell to the holder of a valid retailer's or dealer's  
8 permit at any time.

9 (e) **Subsection (a)(3) through (a)(4) does not apply to the holder**  
10 **of a supplemental retailer's permit that:**

11 (1) is a hotel; or

12 (2) meets the requirements of 905 IAC 1-41-2(a).

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1802, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 38 and 39, begin a new line block indented and insert:

**"(5) On Easter Sunday and until 7:00 o'clock in the morning prevailing local time, the following day."**

Page 3, line 7, delete "(a)(2)" and insert "(a)(3)".

and when so amended that said bill do pass.

(Reference is to HB 1802 as introduced.)

CRAWFORD, Chair

Committee Vote: yeas 17, nays 9.

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